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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/384,957	03/10/2003	David Miller	2663/102	3368
20995	7590	06/30/2004	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			SCHWARTZ, JORDAN MARC	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

KROBIL MARTENS, DESIGN & LEAD, LLP

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<b>Office Action Summary</b>	<b>Application No.</b> 10/384,957	<b>Applicant(s)</b> MILLER ET AL. <span style="float: right;">OK</span>	
	<b>Examiner</b> Jordan M. Schwartz	<b>Art Unit</b> 2873	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 32 and 108-160 is/are pending in the application.
- 4a) Of the above claim(s) 126, 132-151, 154 and 157 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 32, 108-125, 127-131, 152, 153, 155, 156, 158 and 159 is/are rejected.
- 7) ☒ Claim(s) 160 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/9/04</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election without traverse of Group I, claims 1-10, 32, 108-125, 127-131, 152-153, 155-156, 158-160 in the Election received April 9, 2004 is acknowledged.

***Claim Rejections - 35 USC § 112***

Claims 122-123, 128-129 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 122-123, that part of the claim stating "wherein the bio-compatible material" renders the claim vague and indefinite because independent claim 110 from which these claims depend has not claimed that the ophthalmic device comprises a bio-compatible material. Apparently the dependency of these claims is incorrect. It is therefore not clear as to which claim these claims were intended to depend from and therefore it is not clear if applicant is claiming that the optic comprises the claimed bio-compatible material, if the ophthalmic device comprises the claimed bio-compatible material, or if some other meaning is intended. For all of the aforementioned reasons, these claims are vague and indefinite. For purposes of examination it is assumed that both claims 122 and 123 meant to depend from claim 121. If applicant amends the dependency of the claims it is suggested that the claims be reviewed carefully to avoid duplicate claims.

With respect to claims 128-129, that part of the claim stating "wherein the aperture includes" renders the claim vague and indefinite because claim 126 from which these claims depend has not claimed that the ophthalmic device comprises an aperture. Apparently the dependency of these claims is incorrect. It is therefore not clear as to which claim these claims were intended to depend from rendering these claims vague and indefinite. For purposes of examination it is assumed that both claims 128 and 129 meant to depend from claim 127. If applicant amends the dependency of the claims it is suggested that the claims be reviewed carefully to avoid duplicate claims.

#### ***Claim Objections***

Claim 160 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, claim 160 has not been further treated on the merits.

Claim 124 is objected to for the following reason. Since the intended meaning could be determined from the specification and the Figures, a 112 rejection was not made but instead this lack of clarity issue is being raised in the following claim objection. Claim 124 states "wherein the medical grade polymer" while claim 123 from which this claim depends claims "comprising a medical polymer". From what is set forth in the other claims and in the specification, the assumed meaning is "medical polymer" and it is suggested that applicant delete the word "grade" to provide the necessary consistency. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 32, 108-109, 127-131, 158-159 are rejected under 35 U.S.C. 102(b) as being anticipated by WO95/08135.

WO95/08135 reads on these claims by disclosing the limitations therein including the following: an ophthalmic lens comprising a lens body with an optic located in the lens body (abstract, page 14, lines 20-25, Figure 5, with the “annular mask portion 18” and “transmissive portion 29” being considered as the “optic”); a pin-hole like aperture substantially in the center of the optic (abstract, page 8, line 36, Figures 1, 4, 5 re aperture “20”). WO95/08135 further discloses that the annular mask portion i.e. the “optic” can be configured to produce diffraction (page 14, lines 29-33). Since the optic is configured to produce diffraction, it will inherently produce light interference, this being reasonably based upon it being well known that diffraction patterns are produced by light wave interference as well as being based upon the definition of the term “diffraction”. Specifically, diffraction is defined as “As a wavefront of light passes by an opaque edge or through an opening, secondary weaker wavefronts are generated, apparently originating at that edge. These secondary wavefronts will interfere with the primary wavefront as well as with each other to form various

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diffraction patterns" (as defined in Photonics Dictionary). In reference to claim 2, WO95/08135 discloses the optic configured as a pattern (Figure 4 and 5) and any pattern or any material will inherently be comprised of particles or of a set of particles. WO95/08135 further discloses that the aperture can include optical power for vision correction (page 10, line 29); the pinhole aperture having a diameter within the claimed range (page 3, line 36); the annular mask region i.e. the "optic" having an outer diameter within the claimed range (page 4, line 1); the optic composed of a material of varying degrees of opacity (page 12, lines 31-39); and the lens being used as a method to increase the depth of focus of the human eye (page 9, line 4). The material of the lens of WO95/08135 will inherently be bio-compatible and non-dissolving, this being reasonably based upon WO95/08135 disclosing the lens can comprise a flexible polymer material (page 3, line 31) as well as being based upon WO95/08135 disclosing the lens for use as a rigid or soft contact lens within an eye of a user (page 3, line 31).

Claims 1-2, 4-5, 7-10, 32, 127, 129-131, 158-159 are rejected under 35 U.S.C. 102(b) as being anticipated by Peyman patent number 5,964,748.

Peyman reads on these claims by disclosing the limitations therein including the following: an ophthalmic lens (column 22, lines 26-44 re the ocular implant has diffractive and refractive powers or having portions as a fresnel lens); comprising a lens body with an optic located in the lens body (column 22, lines 26-44, that part of the lens that surrounds the center opening being the "optic"); a pin-hole like aperture substantially in the center of the optic (Figures 60-61, column 22, line 30). The optic of Peyman will inherently produce light

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interference, this being reasonably based upon Peyman disclosing the surrounding optic portion "utilizing diffractive technology" such as being "a Fresnel lens" (column 22, line 33). In reference to claims 2, any material will inherently be comprised of a pattern or a set of particles. Peyman further discloses the aperture having a diameter within the claimed range (column 22, lines 55-58); the annular mask region i.e. the "optic" having an outer diameter within the claimed range (column 22, lines 55-58); the optic composed of a bio-compatible non-dissolving material (column 17, lines 6-17, column 23, lines 4-11); the material including either PMMA or a medical polymer (column 17, lines 6-17, column 23, lines 4-11). The optic of Peyman would inherently increase the depth of focus, this being reasonably based upon Peyman disclosing the optic to correct the focus of light (column 22, line 33) which would inherently include the depth of the focus of light.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 32, 108-109, 127-131, 158-159 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO95/08135 in view of Grant patent number 3,578,850.



In reference to these claims, WO95/08135 discloses as is set forth above and it is believed that the "optic" would inherently produce interference of light as set forth in the rejection above. Regardless, Grant teaches that in a contact lens having a central transparent portion surrounded by an opaque portion (column 2, lines 44-65), similar to WO95/08135, that it is desirable to have the opaque portion configured to produce light interference for the purpose of avoiding flare or ghosting (column 2, lines 44-65). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the masking portion of WO95/08135 as being configured to produce light interference since Grant teaches that in a contact lens having a central transparent portion surrounded by an opaque portion, that it is desirable to have the opaque portion configured to produce light interference for the purpose of avoiding flare or ghosting.

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO95/08135 in view of Anton et al patent number 5,314,961.

In reference to these claims, WO95/08135 discloses as is set forth above but does not specifically disclose the lens as being formed of either a PMMA material or a medical polymer. However, WO95/08135 does disclose that the lens can be formed of an oxygen permeable material or of a polymer material to form a rigid or soft contact lens (page 3, lines 31 and page 10, line 15). Anton et al teaches that contact lenses can be formed of PMMA material in order to provide a contact lens that is easily machinable (column 3, line 33) or from a medical polymer in order to provide a contact lens having increased oxygen

permeability (column 6, line 20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the contact lens of WO95/08135 formed of either a PMMA or medical polymer material since Anton et al teaches that contact lenses can be formed of PMMA material in order to provide a contact lens that is easily machinable or from a medical polymer in order to provide a contact lens having increased oxygen permeability.

Claims 152-153 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peyman patent number 5,964,748.

In reference to these claims, Peyman discloses as is set forth above including the optic being formed as a Fresnel lens (column 22, line 33) but does not specifically disclose the Fresnel lens as a series of opaque concentric circles. The examiner takes Judicial Notice that it is well known in the art of lenses for Fresnel lenses to be formed of opaque concentric circles for the purpose of providing the desired interference effect. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to the Fresnel lens optic of Peyman in the form of opaque concentric circles since it is well known in the art of lenses for Fresnel lenses to be formed of opaque concentric circles for the purpose of providing the desired interference effect.

#### ***Double Patenting***

Claims 1-10, 32, 108-125, 127-131, 152-153, 155-156, 158-159 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of Patent Number 6,554,424.

Although the conflicting claims are not identical, they are not patentably distinct from each other for the following reasons.

Patent 6,554,424 discloses an ophthalmic lens comprising an optic configured to produce light interference and a pin-hole like aperture substantially in the center of the optic (claims 1 and 20); the optic configured as a pattern of particles (claim 20); the pin-hole aperture including an optical power (claim 4); the pin-hole aperture having a diameter within the claimed range (claim 5); the optic having an outer diameter within the claimed range (claim 6); the optic composed of a material of varying degrees of opacity (claim 7); the optic composed of a bio-compatible, non-dissolving material (claim 9); the material as PMMA (claim 10); the material as a medical polymer (claim 11); the method for increasing depth of focus comprising an ophthalmic lens with an optic configured to produce interference and a pin-hole like aperture substantially in the center of the optic (claim 21); the optic to produce negative interference of diverging light reaching the optic (claim 1); the optic configured as a series of concentric circles (claim 15); the optic configured as a weave (claim 16).

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees.

See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164

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USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

#### ***Prior Art Citations***

Parker et al publication number 2004/0047014 is being cited herein to substantiate the examiner's Judicial Notice that it is well known in the art of lenses for Fresnel lenses to be formed of opaque concentric circles for the purpose of providing the desired interference effect (paragraphs 0007-0009).

Neefe patent number 4,639,105 is being cited herein to show another reference that would have read on a number of the above rejected claims, however, such rejections would have been repetitive.

#### ***Allowable Subject Matter***

Claims 110-121, 124-125 and 155-156 are allowed (upon overcoming the double patenting rejection set forth above and with claim 155 being written in independent form).

Claims 122-123 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: with respect to the allowable subject matter, none of the prior art either alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103. Specifically, with reference to claims 110-125, none of the prior art either alone or in combination, disclose or teach of the claimed ophthalmic device for application to an eye of a patient comprising the optic configured to produce interference of light reaching the optic, an aperture disposed within the optic, the ophthalmic device increasing the depth of focus of the eye, and specifically including, as the distinguishing feature in combination with the other limitations, the claimed optic configured to produce negative interference of diverging light reaching the optic. . Specifically, with reference to claims 155-156, none of the prior art either alone or in combination, disclose or teach of the claimed ophthalmic device configured to be applied to an eye of a patient comprising an optic configured to produce interference, an aperture substantially in the center of the optic, and specifically including, as the distinguishing feature in combination with the other limitations, the claimed optic comprising a weave.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M. Schwartz whose telephone number

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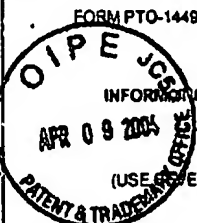
is (571) 272-2337. The examiner can normally be reached on Monday to Friday (8:00-5:30), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached at (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).




Jordan M. Schwartz  
Primary Examiner  
Art Unit 2873  
June 24, 2004

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT (USE SEVERAL SHEETS IF NECESSARY)	ATTY. DOCKET NO. ACUFO.002DV1	APPLICATION NO. 10/384,957
	APPLICANT David Miller, et al.	
	FILING DATE March 10, 2003	GROUP 2873

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
81		3,270,099	08/30/66	CAMP	264	12	
81		3,507,566	04/21/70	KNAPP	351	160R	
81		3,578,850	05/18/71	GRANT	351	160R	
81		3,726,587	04/10/73	KENDALL	351	161	
81		3,794,414	02/26/74	WESLEY	351	161	
81		4,639,105	01/1987	NEEFE	351	162	
81		4,655,774	04/07/87	CHOYCE	623	5.11	
81		4,955,904	09/11/80	ATEBARA ET AL.	623	6.19	
81		4,976,732	12/11/80	VOROSMARTHY	623	6.19	
81		4,994,080	02/19/91	SHEPARD	623	6.68	
81		5,196,026	03/23/93	BARRETT ET AL.	128	198	
81		5,245,367	09/14/93	MILLER ET AL.	351	161	
81		5,260,727	11/9/93	OKSMAN ET AL.	351	162	
81		5,314,961	05/1994	ANTON ET AL.	525	280	
81		5,662,706	09/02/97	LEGERTON ET AL.	623	5.13	
81		5,628,794	05/13/97	LINDSTROM	623	6.29	
81		5,757,458	05/26/98	MILLER ET AL.	351	162	
81		5,786,883	07/28/98	MILLER ET AL.	351	162	
81		5,864,378	01/26/99	PORTNEY	351	160R	
81		5,905,561	05/18/99	LEE ET AL.	623	6.31	
81		5,964,748	10/12/99	PEYMAN	606	5	
81		5,965,330	10/12/99	EVANS ET AL.	430	321	
81		5,980,040	11/09/99	XU ET AL.	351	162	
81		6,090,141	07/18/00	LINDSTROM	623	5.11	
81		6,554,424	04/29/03	MILLER ET AL.	623	6.31	

EXAMINER	DATE CONSIDERED
<i>[Signature]</i>	6/16/07

\*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

 <p>FORM PTO 1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(USE SEVERAL SHEETS IF NECESSARY)</p>	ATTY. DOCKET NO. ACUFO.002DV1	APPLICATION NO. 10/384,957
	APPLICANT David Miller, et al.	
	FILING DATE March 10, 2003	GROUP 2673

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
91	WO 95/08135	03/23/95	MILLER ET AL.	—	—		
91	WO 97/48005	18/12/97	LEGERTON ET AL.	—	—		

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)
91	"RESEARCH ON THE MULTI-RANGE LENS," WESLEY, N.K., PAGES 18-24.
91	"IMPLANTS WITH COLOURED AND OPAQUE PORTIONS: IMPLANTS WITH BUILT-IN STENOPEIC APERTURE," CHOYCE, P., PAGES 21-26; "UNIOULAR APHAKIA CORRECTED BY ANTERIOR CHAMBER IMPLANTS WITH BUILT-IN STENOPEIC APERTURE," P. CHOYCE., PAGES 132-136 <u>INTRA-OCULAR LENSES AND IMPLANTS</u> , London, 1964.
91	"USE AND INTERPRETATION OF THE PINHOLE TEST", <u>THE OPTOMETRIC WEEKLY</u> , TAKAHASHI, E., PAGES 83-86, 1965.
91	"NEW ASPECTS IN THE FITTING OF THE MULTI-RANGE BIFOCAL CONTACT LENS", J.J. GROPP, <u>CONTACTO</u> , VOLUME 15:22-29, 1971.
91	"THE CONTROLLED-PUPIL CONTACT LENS IN LOW VISION PROBLEMS", <u>JOURNAL OF THE AMERICAN OPTOMETRIC ASSOCIATION</u> , ROSENBLUM, PAGES 836-840, 1969.
91	"HOLES IN CLEAR LENSES DEMONSTRATE A PINHOLE EFFECT", <u>ARCHIVES OF OPHTHALMOLOGY</u> , ZACHARIA ET AL., PAGES 511-513, 1988.
91	"QUANTIFICATION OF THE PINHOLE EFFECT", <u>PERSPECTIVES IN REFRACTION</u> , VOLUME 21:347-350, MILLER ET AL., 1977.
91	EPO PARTIAL SEARCH REPORT, DATED 08/18/2000.
91	PCT/US 00/05138 INTERNATIONAL PRELIMINARY EXAMINATION REPORT, DATED 03/15/01.

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EXAMINER	DATE CONSIDERED 6/16/04
<p>*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 608; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.</p>	



**Notice of References Cited**Application/Control No.  
10/384,957Applicant(s)/Patent Under  
Reexamination  
MILLER ET AL.Examiner  
Jordan M. SchwartzArt Unit  
2873

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-2004/0047014	03-2004	Parker et al.	359/015
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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